

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

DORIAN M. SANFORD,

Plaintiff,

v.

Case No. 2:15-CV-1424
CHIEF JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Kimberly A. Jolson

ASHTON B. CARTER,

Defendant.

OPINION AND ORDER

This matter is before the Court for consideration of Defendant's Motion to Dismiss (ECF No. 9), Plaintiff Dorian M. Sanford's ("Plaintiff") Memorandum in Opposition (ECF No. 10), and Defendant's Reply to Plaintiff's Memorandum Contra Defendant's Motion to Dismiss (ECF No. 12). For the reasons that follow, the Court **DENIES** Defendant's Motion to Dismiss.

This is an employment action under Title VII of the Civil Rights Act of 1964, 42 U.S. C. § 2000e *et seq.*, in which Plaintiff, who is proceeding without the assistance of counsel, challenges conditions of her federal employment. Plaintiff initiated this lawsuit by filing a Complaint (the "Complaint" or "Compl.") on April 24, 2015, alleging numerous forms of workplace harassment involving supervisors and co-workers. (ECF No. 2.) Plaintiff's motion for leave to proceed *in forma pauperis* was granted (ECF No. 3.)

Having granted leave to proceed *in forma pauperis*, Magistrate Judge King performed the initial screen of the Complaint required under 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 3.)¹ The Magistrate Judge concluded that "the Complaint fails to state a claim for relief against all defendants except defendant Carter, the Secretary of Defense." (ECF No. 3, at 1.) Therefore,

¹ By Court Order, on February 11, 2016, this case was referred to Magistrate Judge Kimberly A. Jolson for all further proceedings. (ECF No. 14.)

the Magistrate Judge recommended dismissal of the claims against all defendants except Secretary Carter, the only defendant against whom Plaintiff stated a claim upon which relief can be granted. (ECF No. 8, at 2.) *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (clarifying the plausibility standard articulated in *Twombly*).

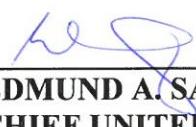
Although the parties were advised of their right to object to the Magistrate Judge's recommendation, there was no objection made. On June 16, 2016, this Court adopted and affirmed the Magistrate Judge's Report and Recommendation, and dismissed the claims against all defendants except defendant Carter for failure to state a claim upon which relief can be granted. (ECF No. 8.) Thus, the Court agreed with Magistrate Judge King's assessment that Plaintiff's Complaint stated claims upon which relief can be granted against Mr. Carter. Defendant does not provide, nor does this Court find, any reason to vacate its previous order.

Accordingly, the Court **DENIES** Defendant's Motion to Dismiss (ECF No. 9).

IT IS SO ORDERED.

DATE

2-26-2016



EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE